

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVEN A. CUCULICH as Trustee of Inter Vivos Tr II
FBO The Cuculich Family,

Plaintiff,

-v-

JOHN Z. RIGOS,

Defendant.

CIVIL ACTION NO.: 21 Civ. 6752 (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On November 16, 2021, the Court granted Defendant's request for leave to file a motion to dismiss the Complaint (the "Motion"), denied Defendant's request for a stay of discovery, and set the following briefing schedule for the Motion: i) Defendant shall file the Motion by November 17, 2021; Plaintiff shall file his opposition (the "Opposition") by December 8, 2021; and Defendant shall file his reply (the "Reply"), if any, by December 22, 2021. (ECF No. 16).

On November 17, 2021, Defendant filed the Motion. (ECF No. 17). On December 8, 2021, Plaintiff filed his Opposition. (ECF No. 18). That same day, Defendant was notified that his November 17 filing was deficient, and he was directed to re-file the Motion. (ECF No. 17; ECF minute entry Nov. 17, 2021). Because it was "linked to a deficient entry," Plaintiff's Opposition was also marked deficient, and Plaintiff was directed to re-file it. (ECF minute entry Dec. 8, 2021). To date, Defendant has not re-filed the Motion.

Accordingly, by **December 22, 2021**:

1. Defendant shall correctly file the Motion (the "Corrected Motion"); and
2. Plaintiff shall re-file his Opposition in response to the Corrected Motion.

The deadline for Defendant's Reply remains December 22, 2021. (ECF No. 16). By separate order, the Court will schedule the Initial Case Management Conference.

Dated: New York, New York
December 21, 2021

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge